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Date: May 1, 2003

Signed:

Peter K. Trzyna (Reg. No. 32,601)

PATENT

Paper No.

File: Graff-P2-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Richard A. Graff
Serial No.	:	10/015,258
Filed	:	December 11, 2001
For	:	BIDDER SYSTEM USING MULTIPLE COMPUTERS COMMUNICATING DATA TO CARRY OUT SELLING FIXED INCOME INSTRUMENTS
Group Art Unit	:	3786
Examiner	:	Rosen, Nicholas D.

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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GROUP 3600

SIR :

Transmitted herewith for filing in the above-identified patent application are the
following:

1. Amendment and Response;
2. Petition for Extension of Time;
3. Revised Request By Applicant Under 37 C.F.R. § 1.607 For Interference
With Patent.
3. Substitute Pages 11 and 34 of the application.

Applicant claims small entity status. The Commissioner is hereby authorized to

charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,



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SIR:

Pursuant to 37 C.F.R. § 1.607, Applicant respectfully requests that an interference be declared between the above-identified patent application and a patent.

(1) Identity of the Patent

The identity of the patent is U.S. Patent No. 6,161,099, filed May 29, 1998, naming as inventors Myles C. S. Harrington, Daniel J. Veres, and Robert M. Panoff, and assigned to MuniAuctions, Inc.

(2) Th Pr pos d Counts

The proposed counts are as follows:

COUNT 1.

1. In an electronic bidder system including a second computer having an output means and at least one buyer's computer having an electrically coupled input means and a monitor, said buyer's computer and said second computer being respectively located, said computers being used in cooperation in a multiple computer system in electronically communicating data between said computers, an electronic process for selling fixed income instruments, the process comprising:

inputting data associated with at least one price a buyer is willing to pay for at least one fixed income instrument into said buyer's computer via said input means;

automatically computing a yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate associated with said at least one fixed income instrument;

presenting said price by outputting at least some of said inputted data from said buyer's computer over said multiple computer system; and

communicating data associated with said price to said second computer over said multiple computer system and displaying, on said output means, information associated with said price including said computed yield/discount rate, wherein at least one of the inputting step, the presenting step, and the communicating step includes the step of using a computer program for receiving data from an other computer in said multiple computer system.

COUNT 2.

2. In an electronic bidder system including multiple buyers' computers and an other computer, the multiple buyers' computers and the other computer respectively located, each of said multiple buyers' computers having a respective electrically coupled input means and monitor, said other computer having an output means, said computers being used in cooperation in a multiple computer system in electronically communicating data between said computers, an electronic process for selling fixed income instruments, said process comprising:

at one of said multiple buyers' computers, inputting data associated with a price one of the multiple buyers is willing to pay for fixed income instruments via said respective input means;

automatically computing one yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate associated with said fixed income instruments;

outputting said yield/discount rate over said multiple computer system to said other computer; and

displaying said yield/discount rate on said other computer's output means, wherein at least one of the inputting step and the outputting step is performed using a computer program for receiving data from said multiple computer system.

(3) Identifying at Least One Claim in the Patent

Count 1 corresponds with claim 1 in the patent, and Count 2 corresponds with claim 31 in the patent.

(4) Present a Claim

Count 1 corresponds exactly to claim 1 in the patent application, and Count 2 corresponds exactly to claim 2 in the patent application.

The claims of the patent do not correspond exactly to the count, but they correspond substantially to the count, and an explanation is set forth below. Differences between the patent claims and the Counts are shown with deleted patent claim language in italics and underlined language added to show the Count language, with the explanations in bold following each paragraph.

1. In an electronic auction bidder system including an issuer second computer having an display output means and at least one bidder buyer's computer having an electrically coupled input means device and a display monitor, said bidder buyer's computer and said second computer being respectively located remotely from said issuer's computer, said computers being used in cooperation in a multiple computer system coupled to at least one electronic network for in electronically communicating data messages between said computers, an electronic auctioning process for auctioning selling fixed income financial instruments, the process comprising:

Explanation: an auction system and a bidder system are the same electronic system, but in different words; an issuer computer and a second computer are the same device, but in different words; an electrically coupled input means and an input device are the same device, but in different words; a display and a monitor are different words for the same device; the bidder's computer and the buyer's computer are the same computer, but in different words; having the computers respectively located is the same location as having one computer located remotely from said issuer's computer, but in different words; having computers being used in cooperation in a multiple computer system is the same as computers coupled to at least one electronic network, but in different words; electronically communicating data between said computers is the same as communicating data messages and from said plural bidders' computers and to and

from said other computer, but in different words; the auction process is the same as the claim process, but in different words, in connection with selling fixed income instruments, which per se are financial.

inputting data associated with at least one bid price a buyer is willing to pay for at least one fixed income *financial* instrument into said bidder's buyer's computer via said input means *device*;

Explanation: a bid is the same number as a price a buyer is willing to pay; fixed income instruments per se are financial; the bidder's computer is the same computer as the buyer's computer, but in different words; and the input device is the same device as the input means, but in different words.

automatically computing *at least one interest cost value yield/discount rate* based at least in part on said inputted data, said automatically computed yield/discount rate interest cost value specifying a rate representing borrowing cost associated with said at least one fixed income *financial* instrument;

Explanation: yield/discount rate is the same rate or number as the interest cost value specifying a rate representing borrowing cost, but in different words; and fixed income instruments per se are financial.

submitting presenting said price by outputting said bid by transmitting at least some of said inputted data from said bidder's buyer's computer over said *at least one electronic network multiple computer system*; and

Explanation: presenting is the same as submitting, but in different words; the bidder's computer is the same device as the buyer's computer, but in different words; and the multiple computer system is the same as the electronic network, but in different words.

communicating at least one message data associated with said submitted bid price to said issuer second computer over said at least one electronic network multiple computer system and displaying, on said output means issuer's computer display, information associated with said bid price including said computed interest cost value yield/discount rate, wherein at least one of the inputting step, *the automatically computing step*, the *submitting presenting step*, and the communicating step and the displaying step is performed includes the step of using a web browser computer program for receiving data from an other computer in said multiple computer system.

Explanation: communicating a message is the same as communicating data, but in different words; the submitted bid is the same as the price, but in different words; the issuer computer is the same device as the second computer, but in different words; the multiple computer system is the electronic network, but in different words; said issuer's computer display is the same device as the second computer's output means, but in different words; the bid and the price are the same number, but in different words; yield/discount rate is the same rate or number as the interest cost value specifying a rate representing borrowing cost, but in different words; presenting is the same as submitting, but in different words, and as the patent claim requires "at least one", neither the automatically computing step nor the displaying step is necessary for coming within the scope of the claim; a web browser is a computer program for receiving data from another computer in said multiple computer system, but in different words.

COUNT 2.

2. In an electronic auction bidder system including plural bidders' multiple buyers' computers and an issuer's other computer, the multiple buyers' computers and the other computer respectively located remotely from said plural bidders' computers, each of said plural bidders' multiple buyers' computers including having an associated respective electrically coupled input means device and monitor a display, said issuer's other computer having including an output means display, said computers being used in cooperation in a multiple computer system in electronically communicating data between said computers at least one electronic network communicating data messages to and from said plural bidders' computers and to and from said other computer, an electronic auctioning process for auctioning selling fixed income financial instruments, said electronic process comprising:

Explanation: an auction system and a bidder system are the same electronic system, but in different words; plural bidders' computers are the same computers as multiple buyers' computers, but in different words; an issuer's computer is the same computer as an other computer, but in different words; having the computers respectively located is the same location as having the computers remotely located, but in different words; for input / output devices to be associated or coupled is the same, but in different words; an input means is the same device as an input device and a monitor is the same device as a display; as to the other computer, having or including is the same relationship, and the output means is the same device as the display, but in different words; having computers being used in cooperation in a multiple computer system is the same as computers coupled to at least one electronic network, but in different words; electronically communicating data b tw en said comput rs is the sam as communicating data messages to and from said plural bidd rs' comput rs and to and

from said other computer, but in different words; the auction process is the same as the claim deposit process, but in different words, in connection with selling fixed income instruments, which per se are financial, "said electronic process" is required for 35 U.S.C. Sec. 112 compliance.

at at least one of said plural bidders' multiple buyers' computers, inputting data associated with at least one bid price one of the multiple buyers is willing to pay for fixed income financial instruments via said respective input means device;

Explanation: plural bidder's computers are the same computers as the multiple buyer's computers, but in different words; a bid is the same and same number as a price one of the multiple buyers is willing to pay, but in different words; fixed income instruments are per se are financial instruments; the input means is the same device as the input device.

automatically computing at least one interest cost value yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate interest cost value specifying a rate representing borrowing cost associated with said fixed income financial instruments;

Explanation: yield/discount rate is the same rate or number as the interest cost value specifying a rate representing borrowing cost, but in different words; fixed income instruments per se are financial instruments.

ordering the interest cost values associated with said inputted data;

Explanation: where the processing involves one rate, which is encompassed by the claim, ordering the one rate exists per se, though it is also not material.

outputting transmitting said *interest cost values yield/discount rate* over said at least one electronic network multiple computer system to said issuer's other computer; and

Explanation: outputting is the same as transmitting; yield/discount rate is the same rate or number as the interest cost value (note the claim antecedent includes a singular value, not the plural values) specifying a rate representing borrowing cost, but in different words; the multiple computer system is the network, but in different words; and the issuer's computer and the other computer are the same device, but in different words.

displaying said *interest cost values yield/discount rate* on said issuer's computer's display other computer's output means, wherein at least one of the inputting step, the automatically computing step, the ordering step, and the outputting transmitting step and the displaying step is performed using a web browser computer program for receiving data from said multiple computer system.

Explanation: yield/discount rate is the same rate or number as the interest cost value but in different words; the issuer's computer's display and the other computer's output means are the same device, but in different words; outputting is the same as transmitting; because the patent claim requires "at least one," neither the automatically computing step, the ordering step, nor the displaying step is necessary for

c oming within the scope of the claim; a w eb brows er is a comput er program for receiv ing data from said multiple c omputer syst em, but in diff er ent words.

In addition to claims 1 and 2 of the application, that correspond to patent claims 1 and 31 respectively, it should be noted that application also presents claims 3-27, which substantially correspond to patent claims 8, 12, 15, 16, 17, 20, 21, 22, 24, 26, 29, 32, 33, 33, 34, 37, 38, 39, 42, 43, 44, 46, 48, 50, and 60, respectively.

(5) Showing Correspondence

In applying the terms of claims 1 and 2 in the application, corresponding to Counts 1 and 2, support in the application for the claims is shown by references to the specification made within parentheses "()" :

1. In an electronic bidder (specification, p. 23, line 11) system including a second (specification, p. 61, lines 2-3) computer having an output means (specification, p. 24, lines 21-23) and at least one buyer's (specification, p. 55, lines 10-15 and Figure 6) computer having an electrically coupled input means (specification, p. 23, line 27-p. 24, line 2) and a monitor (specification, p. 39, lines 25-26), said buyer's computer and said second computer being respectively (specification, p. 24, lines 11-12) located, said computers being used in cooperation in a multiple computer system (specification, p. 24, lines 11-13, and p. 25, lines 25-27) in electronically communicating (specification, p. 55, line 17, and p. 61, lines 13-14) data between said computers, an electronic process (specification, p. 13, lines 22-24) for selling (specification, p. 27, lines 2-5) fixed income (specification, p. 11, lines 21-24) instruments (specification, p. 19, lines 13-14), the process comprising:

inputting (specification, p. 29, lines 3-12) data associated with at least one price a buyer is willing to pay (specification, p. 30, lines 4-8) for at least one fixed income instrument into said buyer's computer via said input means;

automatically (specification, p. 15, line 7) computing (specification, p. 13, lines 17-19) a yield/discount rate (specification, p. 60, lines 20-21) based at least in part on said inputted data (specification, p. 60, lines 20-21, and Figures 2 and 6), said automatically computed yield/discount rate (specification, p. 40, lines 20-23) associated with said at least one fixed income instrument;

presenting (specification, p. 34, lines 8-10) said price by outputting (specification, p. 24, line 23) at least some of said inputted data (specification, p. 60, lines 19-21) from said buyer's computer over said multiple computer system; and

communicating (specification, p. 59, lines 23-24, and Figure 2 and 6) data associated with said price to said second computer (specification, p. 60, lines 19-25) over said multiple computer system and displaying, on said output means (specification, p. 61, lines 14-16), information associated with said price including said computed yield/discount rate, wherein at least one of the inputting step (specification, Figure 6), the presenting step, and the communicating step includes the step of using a computer program (specification, p. 15, line 1) for receiving data from an other computer in said multiple computer system (specification, p. 55, lines 10-18, p. 56, lines 10-11, and p. 60, lines 19-20).

2. In an electronic bidder (specification, p. 23, line 11) system including multiple buyers' (specification, p. 23, line 11, p. 55, lines 10-15, and Figure 6) computers and an other (specification, p. 61, lines 2-3) computer, the multiple buyers' computers and the other computer respectively (specification, p. 24, lines 11-12) located, each of said multiple buyers' computer having a respective electrically coupled input means (specification, p. 23, line 27-p. 24, line 2) and monitor (specification, p. 39, lines 25-26), said other computer having an output

means (specification, p. 24, lines 21-23), said computers being used in cooperation in a multiple computer system (specification, p. 24, lines 11-13, and p. 25, lines 25-27) in electronically communicating data between said computers, an electronic process (specification, p. 13, lines 22-24) for selling (specification, p. 27, lines 2-5) fixed income (specification, p. 11, lines 21-24) instruments, (specification, p. 19, lines 13-14) said electronic process comprising:

at one of said multiple buyers' computers, inputting (specification, p. 29, lines 3-12) data associated with a price one of the multiple buyers is willing to pay (specification, p. 30, lines 4-8) for fixed income instruments via said respective input means;

automatically (specification, p. 15, line 7) computing (specification, p. 13, lines 17-19) one yield/discount rate (specification, p. 60, lines 20-21) based at least in part on said inputted data (specification, p. 60, lines 20-21, and Figures 2 and 6), said automatically computed yield/discount rate (specification, p. 40, lines 20-23) associated with said fixed income instruments;

outputting said yield/discount rate (specification, p. 24, line 23) over said multiple computer system to said other computer (specification, p. 60, lines 19-20); and

displaying said yield/discount rate on said other computer's output means (specification, p. 61, lines 14-16), wherein at least one of the inputting step (specification, Figure 6) and the outputting step is performed using a computer program (specification, p. 15, line 1) for receiving data from said multiple computer system (specification, p. 55, lines 10-18, p. 56, lines 10-11, and p. 60, lines 19-20).

The requirements of 35 U.S.C. Sec. 135(b) are met because the claims with interfering subject matter are being presented in this patent application filed prior to one year from the date on which the patent was granted. A prima facie showing, pursuant to C.F.R. §1.608 is unnecessary, but such is provided by the claim of priority in the patent application from a lineage of patent applications, as follows: The present patent application is a continuation

of U.S. patent application Ser. No. 09/785,254, filed February 16, 2001, and Ser. No. 09/134,451, filed August 14, 1998, and issuing as U.S. Patent No. 6,192,347, and U.S. patent application Ser. No. 09/134,453, filed August 14, 1998, each of which is a continuation-in-part of U.S. patent application Ser. No. 08/181,632, filed January 12, 1994, issued as U.S. Patent No. 5,802,501, which is a continuation-in-part of Ser. No. 07/967,644, filed on October 28, 1992, now abandoned, all of which are incorporated by reference herein. In that said effective filing date predates the filing date of the patent, Applicant is entitled to an interference.

Accordingly, requirements for an interference have been satisfied, and Applicant respectfully requests that the interference be declared. If the Examiner believes that prosecution of the application could be expedited by a telephone interview, the Examiner is requested to call Peter K. Trzyna at (312) 240-0824.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application, including the interference, or credit any overcharges to Deposit Account No. 50-0235. Please direct all correspondence to the undersigned at the address given below.

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Respectfully submitted,



Peter K. Trzyna
(Reg. No. 32,601)

Date: May 1, 2003

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